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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

MIER, RICHARD ANTHONY,
MIER, JEANNIE GASY
Debtor(s).

CASE NO.: BK-S-09-25863-LBR

IN CHAPTER 13 PROCEEDINGS

Hearing Date: December 22, 2010

Hearing Time: 10:30 AM

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, RICHARD ANTHONY MIER & JEANNIE GASY MIER (hereinafter the "Debtors"), by and through their attorney, CHARLES T. WRIGHT, ESQ., of the law firm of PIET & WRIGHT, and respectfully request this Court to deny the MOTION FOR RELIEF FROM THE AUTOMATIC STAY filed by **WELLS FARGO BANK, N.A.**, by and through its attorney, GREGORY L. WILDE, ESQ. of WILDE & ASSOCIATES, as follows:

POINTS AND AUTHORITIES

11 U.S.C. Section 362(d)(1) states that the Court may terminate, modify or condition stay

"for cause, including the lack of adequate protection of an interest in property of such party in interest;---"

11 USC Section 362(d)(2) the Court may terminate, modify or condition a stay

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“with respect to a stay of an act against property under subsection (a) of this section, if –

(A) the debtors do not have an equity in such property AND

(B) such property is not necessary to an effective reorganization”

STATEMENT OF FACTS

Debtors’ property has liens of approximately \$369,591.00 for the property located at 2305 CASHMRE WAY, LAS VEGAS, NV 89074. Debtors believe that they do not have any equity in the property.

11 U.S.C. Section 361(1) may apply as:

1. Debtors acknowledge that if they are late on the post petition payments, they will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtors intentions are to stay current on future post-petition payments.

3. This property is subject to setoff to U.S.C. Sections 506 and 1123(b)(5).

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1 THEREFORE, Debtors request that the Motion filed be denied under 11 U.S.C.
2 Section 362(d)(1) or (2), and that any action on creditor's behalf be stayed for an
3 adequate amount of time to allow Debtors to become current on the post petition
4 arrearages and/or to stipulate to an Adequate Protection Order.
5

6 Dated this 2nd day of December, 2010.

7 Respectfully submitted,

8 PIET & WRIGHT

9 By: /s/ Charles T. Wright
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